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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,157	11/12/1999	YUKI HIRAYAMA	JA9-98-228	1299

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EXAMINER

LU, TOM Y

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/439,157

Applicant(s)

HIRAYAMA, YUKI

Examiner

Tom Y Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152,
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

The following quotations of 37 CFR § 1.75(a) and (d)(1) are the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

1. Claim 1 is objected to under 37 CFR § 1.75 as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery. The claim language, “means for comparing with an image of a template an image in the vicinity of a coordinate obtained from a pointing device” is grammatically awkward, and difficult to understand. While the examiner understands this limitation in light of the disclosure (i.e., that a template is compared with an image around a coordinate designated by a pointing device), the claim language is still confusing and could be better stated, to ensure a proper interpretation. The following language (or equivalent) is suggested: “means for comparing an image to a template image in the vicinity of a coordinate obtained from a pointing device”.

2. Claim 2 is objected to under 37 CFR § 1.75 as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery. The claim language, “means for selecting on an image an image area to be a subject of a template” is grammatically awkward, and difficult to understand. While the examiner understands this limitation in light of the disclosure, the claim language is still confusing and could be better

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stated, to ensure a proper interpretation. The following language (or equivalent) is suggested:

“means for selecting an image on an image area to be a subject of template”.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hemingway (U.S. Patent No. 5,448,688 A).

- a. As applied to Claim 1, which is the representative of claims 3 and 4, Hemingway discloses means for comparing an image to a template image in the vicinity of a coordinate obtained from a pointing device (Hemingway at column 1, lines 11-25, teaches a mouse can be a pointing device, “the graphic system must be able to associate the image position currently pointed to by the pointing device with a graphic object or segment known to the application”. In another words, a graphic object known to the application is claimed a template image, an image position corresponds to claimed “an image”. Examiner interprets the term of “associate” as claimed “comparing”, which Hemingway shows at column 1, lines 39-40, “re-running the conversion process until an output image element is generated that matches the received image position”; an output image element is a graphic object or segment, matching is another form of “comparing”); means for locating a most matching template and its position on an image (Hemingway at column 1, lines

39-42, shows a “hit detection” technique can be implemented to match the received image position, which allows system to locate a most matching template); from the position on image and position correction information associated with the template, means for calculating a final pointing position (Hemingway at column 3, lines 47-56, discloses an “input-event” means to find an accurate segment according to the image position, such process will outcome only one final segment which will be the final pointing position).

- b. Referring to Claim 2, Hemingway discloses means for selecting an image on an image area to be a subject of template (Hemingway at column 1, lines 65-66, demonstrates a graphic system capable of translating a received image position into the identity of the corresponding graphic segment, and a position on that segment); means for storing image area as an image of a template (Hemingway at column 2, lines 4-5, shows such graphic system includes segment storage means for storing a plurality of graphic segments); means for selecting a point in image area with a pointing device (Hemingway at column 1, lines 19-22, discloses a graphic system has a pointing device to select a point on the image); means for storing selected position as position correction information associated with image of template (Hemingway at column 2, lines 16-27, shows during the input-event process, it inherently explains there must be memory storage exists for storing the selected position for the purpose of determining the identity of the segment).

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

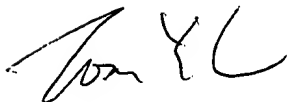
Ditter, U.S. Patent No. 5,317,680 discloses Using regular graphic shapes to identify a pointer-selected graphic object.

Bartok, U.S. Patent No. 5,737,553 discloses Colormap system for mapping position and color index to executable functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 305-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5397 for regular communications and (703) 305-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Tom Y. Lu  
November 5, 2002



**BRIAN WERNER  
PATENT EXAMINER  
ART UNIT 2621**